

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
[Previously Shelby Division]**

**CRIMINAL CASE NO. 4:96cr53-13**

**UNITED STATES OF AMERICA, )**

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**)**

**vs. )**

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**TONY HOEY. )**

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**ORDER**

**THIS MATTER** is before the Court on the Defendant's Request to Proceed *in Forma Pauperis* [Doc. 668] and his Motion to Reconsider Petitioner's Request for a Sentence Reduction pursuant to 18 U.S.C. §3582(c)(2) [Doc. 680].

In his first motion the Defendant apparently seeks the appointment of counsel. This motion is moot because on February 15, 2012 Attorney Ross Richardson appeared as counsel for the Defendant. [Doc. 672].

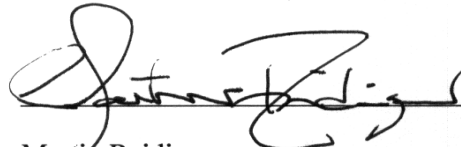
As to the second motion, neither the federal statutes nor the Rules of Criminal and Appellate Procedure provide for a motion for reconsideration in a criminal case. United States v. Joseph, 455 F. App'x. 341 (4<sup>th</sup> Cir. 2011).

**IT IS, THEREFORE, ORDERED** that the Defendant's Request to

Proceed *in Forma Pauperis* [Doc. 668] is hereby **DENIED** as moot.

**IT IS FURTHER ORDERED** that the Defendant's Motion to Reconsider Petitioner's Request for a Sentence Reduction pursuant to 18 U.S.C. §3582(c)(2) [Doc. 680] is hereby **DENIED**.

Signed: August 2, 2012

  
Martin Reidinger  
United States District Judge

